

**EXHIBIT 6: EXCERPTS OF DEPOSITION OF ROLAND BROWN**

FREEDOM COURT REPORTING

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1 IN THE UNITED STATES DISTRICT COURT FOR  
2 THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

4 COPY

5 CASE NUMBER: 2:05CV194-T

6  
7 HAZEL M. ROBY, as Administratrix of the  
8 Estate of RONALD TYRONE ROBY, Deceased,  
9 Plaintiff,  
10 vs.

11  
12 BENTON EXPRESS, INC., et al.,  
13 Defendants.

14  
15 S T I P U L A T I O N

16 IT IS STIPULATED AND AGREED by  
17 and between the parties through their  
18 respective counsel, that the deposition  
19 of ROLAND BROWN may be taken before  
20 Leslie K. Hartsfield, at the offices of  
21 Beasley, Allen, Crow, Methvin, Portis &  
22 Miles, P.C., 218 Commerce Street,  
23 Montgomery, Alabama, 36103,

367 Valley Avenue  
Birmingham, Alabama 35209  
1-877-373-3660

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1 Lines. But I've pointed out some of the  
2 advantages to Central Alabama Transport  
3 and -- which is the trucking division of  
4 Coral Industries. And they are  
5 seriously considering it and I have  
6 strongly recommended it to them.

7 Q. But as of right now, Coral  
8 does not have it?

9 A. Well, I don't -- I don't  
10 think they've done it yet. I think they  
11 are -- they are waiting to get the  
12 figures back from me. It would be  
13 Central Alabama Transport, not Coral.  
14 Because Coral is not an over-the-road  
15 operation. Central Alabama Transport  
16 is. Central Alabama Transport is the  
17 transportation division of Coral  
18 Industries.

19 Q. As I understand your  
20 opinions in this case, you believe  
21 Benton Express should have had Qualcomm  
22 or something similar, GPS?

23 A. Well, yes. I think they

1     should have -- should have had some type  
2     of a tracking system, GPS. Simply  
3     because they advertise that they have  
4     the latest in technology. On their web  
5     page, they present to their customers  
6     and potential customers that they have  
7     the latest in technology and certainly  
8     global positioning systems are the  
9     latest in technology. And plus the fact  
10    that if they're not going to have that  
11    they certainly need some tracking system  
12    and they need to have a plan, not only a  
13    plan, they need to have a procedure and  
14    they need to enforce a procedure for  
15    tracking.

16           Q.     I'm just talking about GPS  
17    alone at the moment. Is it your opinion  
18    that it is the industry standard now to  
19    have GPS in trucks?

20           A.     I -- I would say yes, that  
21    it's getting to be. It may not be  
22    totally the industry standard but it's  
23    getting closer to it and there's

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1 certainly a lot of indication that it is  
2 getting to be the trucking -- the  
3 industry standard, yes.

4 Q. So you would believe that  
5 Benton Express is in violation of that  
6 industry standard by not having it?

7 A. That or -- or some other  
8 system. Some type of tracking system,  
9 yes.

10 Q. So anyone who doesn't have  
11 it such as your other client, Coral  
12 Industries, would be in violation of the  
13 industry standard by not having GPS in  
14 their trucks?

15 A. Well, I think it depends --  
16 depends on the size of the fleet, the  
17 operation they carry on, what kind of  
18 safety procedures they have in place and  
19 are exercising. But yeah, I told Coral  
20 I think they're in violation of a safety  
21 tool that is -- that is vitally  
22 important to the safe operation of  
23 their -- of their Central Alabama

1 experience as to what type of operation  
2 the company has as to whether or not  
3 they use Qualcomm?

4 A. No, I don't think it matters  
5 the type of operation they have. I  
6 think it matters in the -- in today's  
7 economy and in today's world of events  
8 and with the height of recognition of  
9 terrorism and hijackings, this type  
10 thing, and Benton certainly has  
11 recognized these are -- are threats.  
12 I -- I think the type operation you have  
13 the -- I don't think it necessarily  
14 relates to the type of operation. I  
15 think it relates to your emphasis on  
16 trying to -- to know where your trucks  
17 are. Certainly if you're going to  
18 advertise and you're going to promote to  
19 your customer base that you have the  
20 latest in technology, then I think you  
21 need to have the latest in technology  
22 and I think GPS falls into that  
23 category.

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1 hours.

2 Q. You think -- it's your  
3 testimony that there is a business need  
4 for Benton Express to be able to tell  
5 their customers where between Atlanta  
6 and Pensacola their shipment is  
7 precisely rather than it's somewhere in  
8 between.

9 MR. BOONE: Object to the  
10 form. And I think testimony by  
11 corporate representative --

12 MR. ROSS: Well, LaBarron,  
13 that's an objection to the form and then  
14 some speaking objection that follows it  
15 which I don't want him to take any clue  
16 from. You know where I'm coming from  
17 there.

18 MR. BOONE: (Nodded head  
19 affirmatively.)

20 A. I think it has a direct  
21 relationship to Benton's own  
22 publications where they can say --

23 Q. I'm not talking about that.

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1 had no way of tracking it and that could  
2 happen in any situation. Plus the fact;  
3 it's important to them because they have  
4 advertised and they have committed  
5 themselves to having the latest in  
6 technology to be able to satisfy their  
7 customers' needs.

8 Q. Right.

9 A. And they have also --  
10 management has publicized and put into a  
11 publication that they can immediately be  
12 able to track a shipment. And how can  
13 they immediately track a shipment?

14 Q. You can call your driver on  
15 a cell phone, can't you?

16 MR. BOONE: Object to the  
17 form.

18 Q. And ask them -- you could do  
19 that and ask them where they are if they  
20 answer the phone?

21 MR. BOONE: Object to the  
22 form.

23 A. If you furnish them cell



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1 phones, yeah. If you as a company  
2 supply them with a cell phone and  
3 require them to keep that cell phone on,  
4 yes, you could do that. That's the  
5 reason I said there are other tracking  
6 systems available other than GPS. But  
7 Benton didn't require their drivers to  
8 have a cell phone. They didn't provide  
9 them with a cell phone and this  
10 particular driver had a cell phone and  
11 they didn't even have his telephone  
12 number so how could they have checked up  
13 on him.

14 Q. You've read the testimony.  
15 There's evidence of repeated efforts to  
16 contact Mr. Stephens on his cell phone;  
17 correct?

18 A. No, sir.

19 Q. You don't remember reading  
20 that?

21 A. No, sir. It was -- they  
22 were trying to get him on his Nextel,  
23 which once the battery was dead, they